

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

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Re: Case No. 13-1717, *United Steel, et al v. Kelsey-Hayes Company, et al*  
Originating Case No. : 4:11-cv-15497

Dear Counsel,

Enclosed is a copy of an order filed today designated for full-text publication in the above-styled case.

Yours very truly,

Deborah S. Hunt, Clerk

Cathryn Lovely  
Deputy Clerk

cc: Mr. David J. Weaver

Enclosure

Mandate to issue

RECOMMENDED FOR FULL-TEXT PUBLICATION  
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 15a0168p.06

**UNITED STATES COURT OF APPEALS**

FOR THE SIXTH CIRCUIT

UNITED STEEL, PAPER AND FORESTRY, RUBBER,  
MANUFACTURING ENERGY, ALLIED INDUSTRIAL AND  
SERVICE WORKERS INTERNATIONAL UNION, AFL-  
CIO-CLC; RONALD D. STRAIT; DANNY O. STEVENS,  
*Plaintiffs-Appellees,*

*v.*

KELSEY-HAYES COMPANY; TRW AUTOMOTIVE,  
INC.; TRW AUTOMOTIVE HOLDINGS CORPORATION,  
*Defendants-Appellants.*

No. 13-1717

Appeal from the United States District Court  
for the Eastern District of Michigan at Flint  
No. 4:11-cv-15497—Gershwin A. Drain, District Judge.

Filed: July 28, 2015

Before: MERRITT, SUTTON, and GRIFFIN, Circuit Judges.

**ORDER**

GRIFFIN, Circuit Judge. On May 6, 2014, defendants filed a petition for panel rehearing, as well as a motion to stay consideration of the petition for panel rehearing, pending the Supreme Court's decision in *M & G Polymers USA, LLC v. Tackett*, Supreme Court No. 13-1010. On May 19, 2014, the majority of this panel granted appellant's motion to stay consideration of the petition for rehearing. On January 26, 2015, the Supreme Court issued its decision in *M & G Polymers USA, LLC v. Tackett*, 135 S. Ct. 926 (2015), which overruled this court's decision in *UAW v. Yard-Man, Inc.*, 716 F.2d 1476 (6th Cir. 1983).

No. 13-1717      *United Steel, Paper, Forestry, et al. v. Kelsey-Hayes Co., et al.*      Page 2

We now GRANT appellant's motion for panel rehearing and REMAND the case to the district court for reconsideration, and further proceedings if necessary, in light of the Supreme Court's decision in *Tackett*. The prior opinion of this panel, *United Steel, Paper and Forestry, Rubber, Manufacturing Energy, Allied Industries and Service Workers International Union v. Kelsey-Hayes Co.*, 750 F.3d 546 (6th Cir. 2014), is accordingly VACATED.

MERRITT, Circuit Judge, dissenting. I do not agree that the court should remand this case to the district court. I would conclude this case by deciding that the Kelsey-Hayes employees who are retired are entitled to vested health care benefits under the collective bargaining agreements.